



**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

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In reply refer to Public Notice No.	Issuance Date:
200600079	October 19, 2006
Stream:	Closing Date:
Un Trib Alum Creek	November 20, 2006

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Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

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**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provision of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

**APPLICANTS:** NP Limited  
Mr. Franz Geiger  
8800 Lyra Drive – Suite 550  
Columbus, OH 43240

**LOCATION:** The proposed project is located in an unnamed intermittent tributary and adjacent wetlands of Alum Creek along Antares Avenue in the City of Columbus, Delaware County, Ohio.

**DESCRIPTION OF THE PROPOSED WORK:** The applicant proposes to place approximately 1,400 cubic yards of dredged or fill material into 0.27 acre of Category II wetlands and 1,112 linear feet of intermittent stream for the purpose of constructing a 35 acre office/retail development.

Plans of the proposal are attached to this notice.

**MITIGATION PLAN:** To mitigate for the impacts to 0.27 acre of Category II wetlands, the applicant proposes to create 0.54 acre of Category II wetland within close proximity to the proposed development. The wetlands would be constructed within the floodway area of Alum Creek, enhancing the floodway by expanding the vegetated buffer of Alum Creek into areas currently cleared and used for agricultural purposes. To compensate for the 1,112 linear feet of intermittent stream impact, the applicant proposes to place the remaining 260 linear feet of intermittent stream into a deed of restrictions. Additional mitigation for the proposed development includes enhancement of the existing buffer on the 1,240 linear feet of perennial stream located onsite and currently protected by a deed of restrictions. The enhancement includes tree and shrub edge planting to expand the vegetated buffer in the northern portion of the perennial stream and re-establishment of the vegetated buffer on the southern portion of the perennial stream. In addition, the applicant is proposing to place approximately 1,112 linear feet of perennial stream located within close proximity of the site within a deed of restrictions. Copies of the proposed mitigation plan are available for review upon request.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

**HISTORIC AND CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it has been determined that there are currently no historic properties listed in the National Register in the area affected by the project. The applicant provided a copy of the "Phase I Cultural Resources Management Investigation for the Proposed 16.8 ha (41.6 a.) Commercial Development in Orange Township, Delaware County, Ohio," conducted by Applied Archaeological Service. The applicant submitted the report to the State Historic Preservation Office (SHPO) for their review and approval. By letter dated May 18, 2006, the SHPO concurred with the findings of the report that the identified sites were not eligible for inclusion on the National Register and no further investigation would be necessary. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

**ENDANGERED/THREATENED SPECIES REVIEW:** The project is located within the known or historic range of the following endangered species:

Indiana Bat  
Clubshell Mussel  
Bald Eagle  
Rayed Bean Mussel

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures stated in the letter dated January 25, 2006 between the Floyd Browne Group and the United States Fish & Wildlife Service (USFWS), the project is not likely to adversely affect the Indiana bat or Rayed Bean Mussel and will have no effect on the Clubshell Mussel or Bald Eagle or designated Critical Habitat for these Federally listed species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).


**PUBLIC INTEREST REVIEW AND COMMENT:** Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

**SOLICITATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

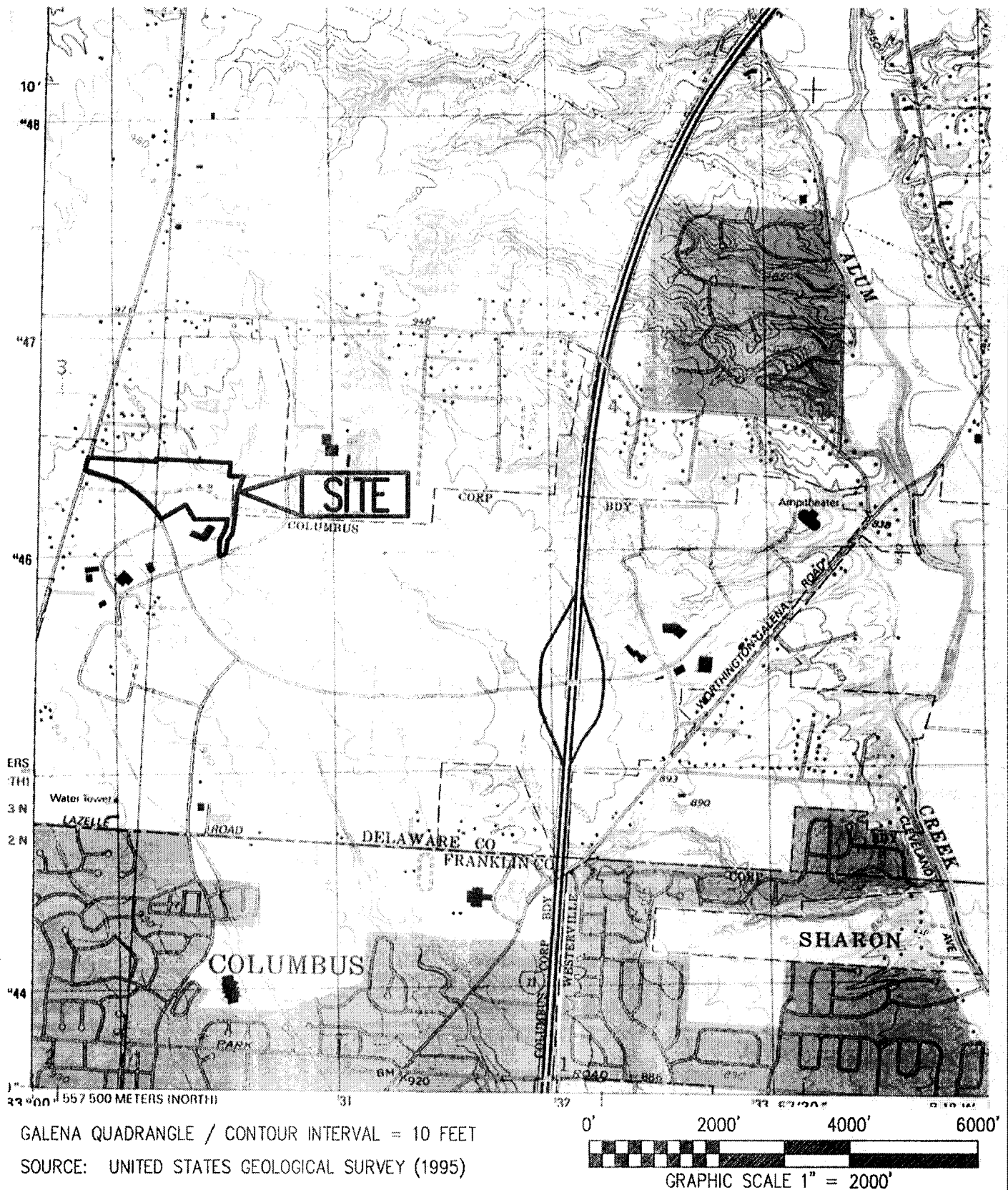
North Regulatory Permit Section - CELRH-OR-FN-200600079  
U. S. Army Corps of Engineers Huntington District  
502 Eighth Street  
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Ms. Lee A. Pittman of the North Regulatory Section at 304-399-5210.

  
for Ginger Mullins  
Regulatory Branch

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**FIGURE 1 – USGS TOPOGRAPHIC MAP**  
APPROXIMATE 35-ACRE TRACT AT THE NORTHEAST  
CORNER OF OLD STATE ROAD AND POLARIS PARKWAY  
CITY OF COLUMBUS, DELAWARE COUNTY, OHIO

**Floyd Browne Group**

Central Ohio  
740.363.6792  
740.363.6536 fax  
800.325.7647  
[www.FloydBrowne.com](http://www.FloydBrowne.com)

Offices Throughout Ohio & West Virginia



**LEGEND:**

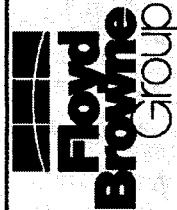
EXISTING WETLAND TO BE IMPACTED

IMPACTED STREAM

NON-IMPACTED STREAM

**FIGURE 2 – PERENNIAL STREAM ENHANCEMENT PLAN**

APPROXIMATE 35-ACRE TRACT AT THE NORTHEAST CORNER  
OF OLD STATE ROAD AND POLARIS PARKWAY  
CITY OF COLUMBUS, DELAWARE COUNTY, OHIO



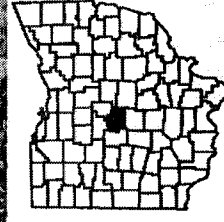
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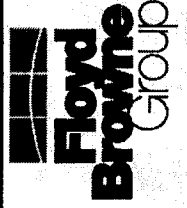




SCALE UNKNOWN

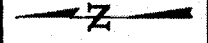


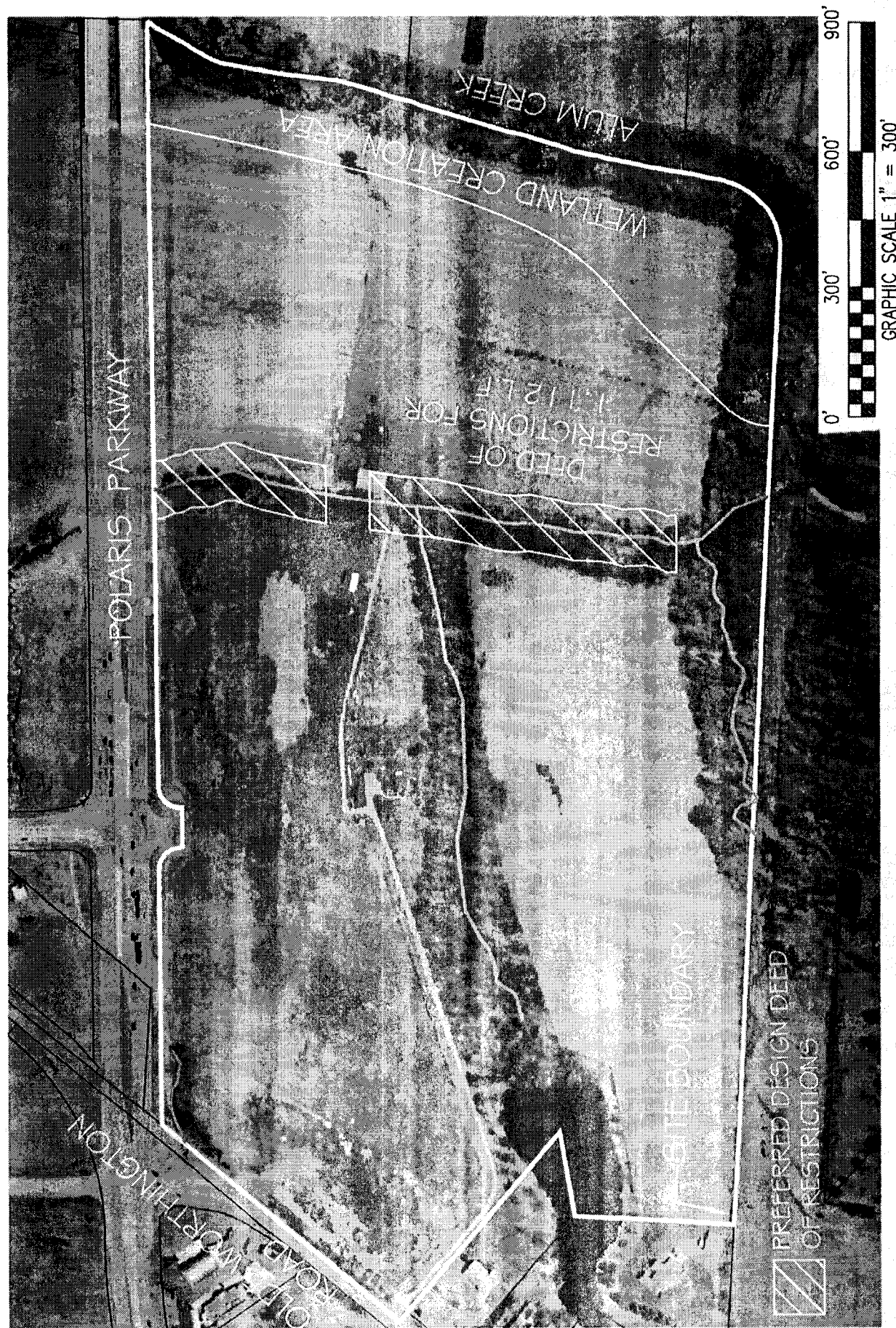
**FIGURE 3 – ANTARES AREA MITIGATION SITE LOCATION**  
 APPROXIMATE 35-ACRE TRACT AT THE NORTHEAST CORNER  
 OF OLD STATE ROAD AND POLARIS PARKWAY  
 CITY OF COLUMBUS, DELAWARE COUNTY, OHIO



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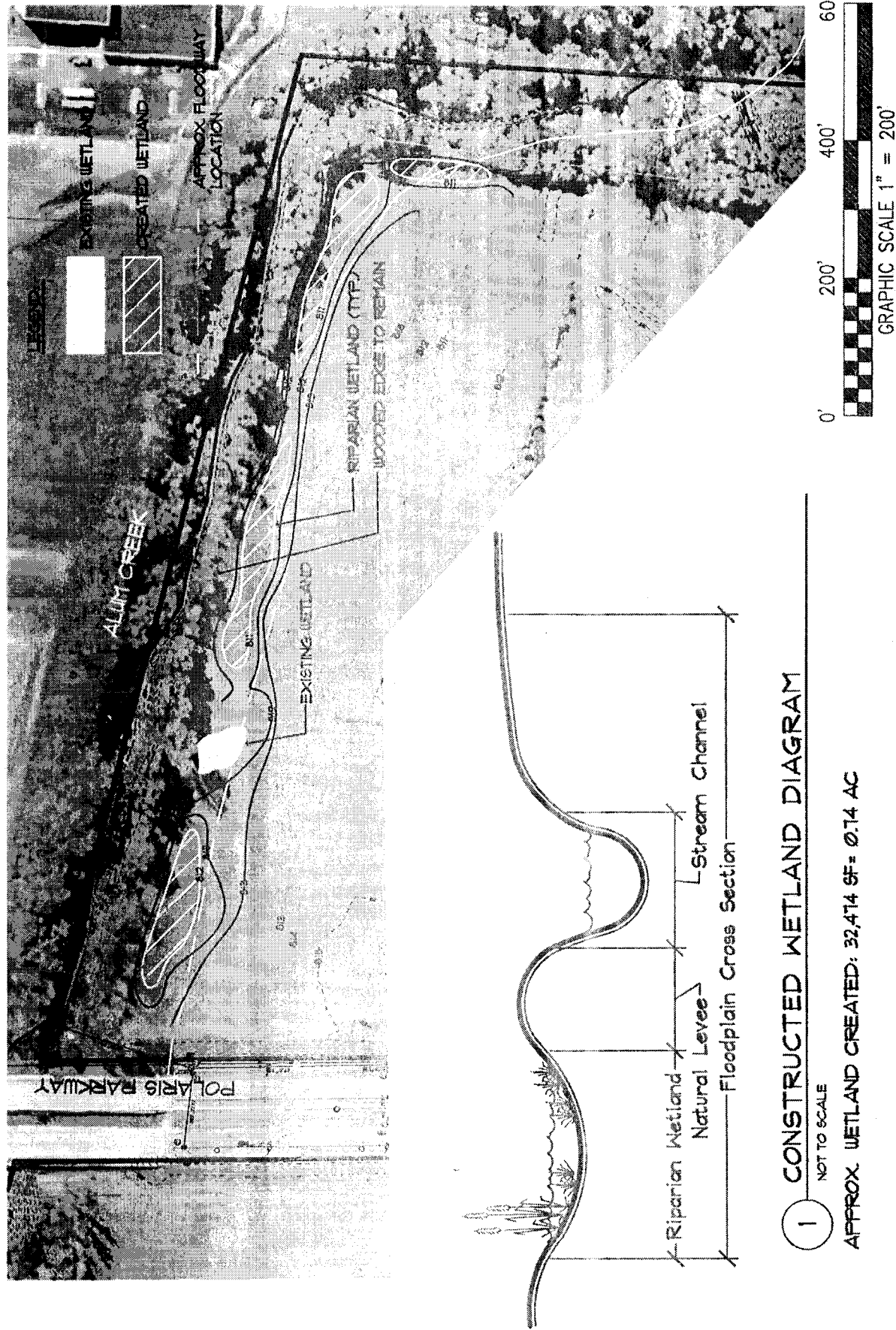
**FIGURE 4 - ANTARES AREA STREAM DEED OF RESTRICTIONS LOCATION**  
APPROXIMATE 35-ACRE TRACT AT THE NORTHEAST CORNER  
OF OLD STATE ROAD AND POLARIS PARKWAY  
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**FIGURE 5 - ALUM CREEK AREA WETLAND CREATION PLAN  
FOR ANTARES AREA**

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